

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-15028 - APPLICANT: GUITAR CENTER, INC. - OWNER: THREE B'S, INC.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Secondhand Dealer use.
2. Approval of and conformance to the Conditions of Approval for Rezoning Z-0102-86 and Site Development Plan Review Z-0102-86(6).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request for a Special Use Permit for a proposed secondhand dealer (MUSICAL EQUIPMENT) as part of an existing retail establishment at 8621 West Charleston Boulevard, Suite #150 (APN 163-05-517-007), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

EXECUTIVE SUMMARY

This applicant is requesting to allow the secondhand sales of musical instruments within an existing retail musical instrument store (Guitar Center). A Site Development Plan Review [(Z-0102-86(6)] approved a 133,284 square foot addition approximately 24,000 square feet of retail uses resulting in a 157,284 square-foot retail/commercial complex, including the 14,905 square-foot subject suite where the proposed secondhand dealer use will be located. The applicant has stated that this business will primarily sell new musical equipment, but will also accept “trade ins” from customers and resale the items in conjunction with the new merchandise.

The proposed secondhand dealer use can be operated in a manner that is compatible with the adjacent development which includes retail, restaurants, and various other commercial uses, and it is therefore recommend.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 02/04/87 | The City Council approved a Rezoning (Z-0102-86) of approximately 68 acres of land from N-U to R-1 and C-1 for a single-family residential subdivision and a commercial shopping center. The Planning Commission and staff recommended approval. |
| 01/24/95 | The Planning Commission approved a Special Use Permit (U-0327-94) for beer and wine sales in conjunction with a convenience store with a gas station. Staff recommended approval. |
| 01/26/95 | The Planning Commission approved a plot plan and building elevation review (Z-0102-86) (1) for a convenience store with gas station (Grumpy’s). Staff recommended approval. A Site Development Plan Review (Z-0102-86) (2) for a 159,360 square foot was withdrawn by the applicant. |

- 12/16/99 A Site Development Plan Review (Z-0102-86) (3) for a 2,804 square foot fast food restaurant (Jack-In-The-Box) was approved by the Planning Commission. Staff recommended approval.
- 02/02/00 The City Council approved a Site Development Plan Review (Z-0102-86) (4) for a 136,754 square foot retail shopping center addition to approximately 24,000 square feet of existing retail uses. The Planning Commission and staff recommended approval. The layout for this design was never developed.
- 05/09/02 A Site Development Plan Review (Z-0102-86) (5)/(6) for a 133,284 square foot retail shopping center addition to approximately 24,000 square feet of existing retail uses (157,284 square feet total) was stricken from Planning Commission review and approved administratively.
- 11/21/02 A Master Sign Plan (MSP-0011-02) was approved for this shopping center by the Planning Commission for two 40-foot tenant panel signs, one along Durango Drive and the other along Charleston Boulevard, along with wall signs on each building.
- 03/23/06 A Special Use Permit was approved for secondhand retail golf equipment sales (Golf Galaxy) by the Planning Commission. Staff recommended approval.
- 08/24/06 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #14/jk).

B) Pre-Application Meeting

- 6/30/06 A pre-application was held with the applicant. At the meeting the applicant was informed that no outdoor display, sales or storage of merchandise is permitted and that the store shall comply with Title 6 of the Las Vegas Municipal Code. Additionally

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 16.20
Net Acres: 0.34

B) Existing Land Use

Subject Property: Commercial
 Retail
 North: Multi-family Residential
 South: Single-family Residential
 East: Power Substation
 Single-family Residential
 West: Commercial/Retail

C) Planned Land Use

Subject Property: SC (Service Commercial)
 North: M (Medium Density Residential)
 South: L (Low Density Residential)
 East: PF (Public Facilities)
 L (Low Density Residential)
 West: SC (Service Commercial)
 PF (Public Facilities)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 North: R-3 (Medium Density Residential)
 South: R-1 (Single Family Residential)
 East: C-1 (Limited Commercial)
 West: U (Undeveloped) Zone [PF (Public Facilities) Master Plan designation]
 R-1 (Single Family Residential)

E) General Plan Compliance

The subject site is located within the Southwest Sector of the Master Plan with a SC (Service Commercial) land use designation, which allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district complies with the General Plan, and the proposed Secondhand Dealer use is permitted with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is not located within any Special District or Zone.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The proposed secondhand dealer will occupy an approved general retail tenant suite from Site Development Plan Review [(Z-0102-86(4))]. The parking requirements for the proposed secondhand dealer are the same as for a retail use; therefore, the current amount of parking for the site is deemed adequate.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Secondhand Dealer use.

B) General Analysis and Discussion

- **Zoning**

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan. The proposed Secondhand Dealer use is permitted with the approval of a Special Use Permit.

- **Use**

Title 19 defines a Secondhand Dealer as a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For the purposes of this definition, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles.

Site Development Plan Review [(Z-0102-86(4))] approved a 158,454 square-foot retail/commercial complex including the subject 14,905 square-foot suite where the proposed secondhand dealer use will occupy. The applicant has stated that this business will primarily sell new golf equipment, but will also accept “trade ins” from customers and resale the items in conjunction with the new merchandise.

- Conditions

- (1) No outdoor display, sales or storage of any merchandise shall be permitted.
- (2) The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.
- (3) No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed secondhand dealer use can be operated in a manner that is compatible with the adjacent development, which includes retail, restaurants, and various other commercial uses. Title 19.04.050 requires compliance with specific conditions to ensure the appropriateness of the use.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Site Development Plan Review [(Z-0102-86(4)] approved a 158,454 square-foot retail/commercial complex including the location of this business. Physically, the approved site design and layout will not change with the introduction of a secondhand dealer business.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site receives access via drives from Durango Drive and Charleston Boulevard, both Primary (100-foot) Arterials on the Master Plan of Streets and Highways. They are both adequate in size to meet the requirements of the proposed Secondhand Dealer use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

This development will be required to obtain all of the necessary development permits, including Building and Safety Department requirements for a Certificate of Occupancy, which will insure the protection of the public health, safety and general welfare. Further, the overall objectives of the General Plan are in compliance with the proposed development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 483 by City Clerk

APPROVALS 0

PROTESTS 0